

**COUNTY OF SAN LUIS OBISPO BOARD OF SUPERVISORS  
AGENDA ITEM TRANSMITTAL**

(1) DEPARTMENT Planning and Building	(2) MEETING DATE April 25, 2006	(3) CONTACT/PHONE Michael Conger, Current Planning (805) 781-5136	
(4) SUBJECT Hearing to consider an appeal by Donald Halsey and Carol Anne Doty of the Planning Department Hearing Officer's decision to conditionally approve their Lot Line Adjustment request (COAL 05-0283) to adjust the lines between two existing parcels of 5.3 acres and 1.5 acres each. The adjustment will result in two lots of 5.3 acres and 1.5 acres each. The project will not result in the creation of any additional parcels. Supervisorial District 4			
(5) SUMMARY OF REQUEST A Planning Department Hearing was conducted on February 3, 2006 to consider the request by Donald Halsey and Carol Anne Doty for Lot Line Adjustment (COAL 05-0283) to adjust the lines between two parcels of 5.3 acres and 1.5 acres each. At that time, the Hearing Officer approved the project with conditions requiring that both lots be brought into conformance with setback, density, and secondary unit standards prior to the effectuation of the adjustment. The applicants have appealed the Hearing Officer's decision, asserting that these conditions are unreasonable. The project is within the Residential Suburban land use category and is located at 2829-2875 Kip Lane and 942 Mesa View Drive (Highway 1), in the village of Palo Mesa. The site is in the South County (Inland) planning area.			
(6) RECOMMENDED ACTION Adopt the resolution denying the appeal and approving Lot Line Adjustment COAL 05-0283 based on the findings in Exhibit A and the conditions in Exhibit B.			
(7) FUNDING SOURCE(S) N/A	(8) CURRENT YEAR COST N/A	(9) ANNUAL COST N/A	(10) BUDGETED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> N/A <input type="checkbox"/> NO
(11) OTHER AGENCY/ADVISORY GROUP INVOLVEMENT (LIST): Nipomo Community Advisory Council			
(12) WILL REQUEST REQUIRE ADDITIONAL STAFF? <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes, How Many? _____ <input type="checkbox"/> Permanent _____ <input type="checkbox"/> Limited Term _____ <input type="checkbox"/> Contract _____ <input type="checkbox"/> Temporary Help _____			
(13) SUPERVISOR DISTRICT(S) 1st, 2nd, 3rd, <input checked="" type="checkbox"/> 4th, 5th, All		(14) LOCATION MAP <input checked="" type="checkbox"/> Attached <input type="checkbox"/> N/A	
(15) AGENDA PLACEMENT <input type="checkbox"/> Consent <input checked="" type="checkbox"/> Hearing (Time Est 30 minutes) <input type="checkbox"/> Presentation <input type="checkbox"/> Board Business (Time Est. _____)		(16) EXECUTED DOCUMENTS <input checked="" type="checkbox"/> Resolutions (Orig + 4 copies) <input type="checkbox"/> Contracts (Orig + 4 copies) <input type="checkbox"/> Ordinances (Orig + 4 copies) <input type="checkbox"/> N/A	
(17) NEED EXTRA EXECUTED COPIES? <input type="checkbox"/> Number: _____ <input type="checkbox"/> Attached <input checked="" type="checkbox"/> N/A		(18) APPROPRIATION TRANSFER REQUIRED? <input type="checkbox"/> Submitted <input type="checkbox"/> 4/5th's Vote Required <input checked="" type="checkbox"/> N/A	

(19) ADMINISTRATIVE OFFICE REVIEW
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A-2605

Michael Conger



# SAN LUIS OBISPO COUNTY DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**TO:** BOARD OF SUPERVISORS

**FROM:** MICHAEL CONGER, CURRENT PLANNING

**VIA:** WARREN HOAG, DIVISION MANAGER, CURRENT PLANNING *WH*

**DATE:** APRIL 25, 2006

**SUBJECT:** HEARING TO CONSIDER AN APPEAL BY DONALD HALSEY AND CAROL ANNE DOTY OF THE PLANNING DEPARTMENT HEARING OFFICER'S DECISION TO CONDITIONALLY APPROVE THEIR REQUEST TO ADJUST THE LINES BETWEEN TWO EXISTING PARCELS OF 5.3 ACRES AND 1.5 ACRES EACH. THE PROJECT WILL NOT RESULT IN THE CREATION OF ADDITIONAL PARCELS. (SUPERVISORIAL DISTRICT 4)

## RECOMMENDATION

Adopt the resolution denying the appeal and approving Lot Line Adjustment COAL 05-0283 based on the findings in Exhibit A and the conditions in Exhibit B.

## DISCUSSION

On February 3, 2006, a Lot Line Adjustment was approved to allow the adjustment of two parcels of 5.3 acres and 1.5 acres each. The adjustment would result in two parcels of 5.3 acres and 1.5 acres each with no additional parcels being created. The subject site is within the Residential Suburban land use category, located at 2829-2875 Kip Lane and 942 Mesa View Drive in the village of Palo Mesa, and in the South County (Inland) Planning Area.

On February 16, 2006, the Planning Department received an appeal of this decision by the applicants, Donald Halsey and Carol Anne Doty. The appeal specifically references three conditions of the Lot Line Adjustment which are intended to bring the project into conformity with residential density, setback, and secondary unit standards. The following discusses the issues raised in the appeal.

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## APPEAL ISSUES

### Issue 1 – Setbacks – Halsey Property

**Appellant Statement:** The Halsey residence on Parcel C and four of the five structures on the Doty property, Parcel B, encroach within the 30-foot required side setback from property lines. Approving the conditions of the lot line adjustment would bring the Halsey property into compliance.

**Staff Response:** *As conditioned, the Lot Line Adjustment would bring both parcels into compliance. The applicants have specified that they wish to appeal Condition 12, which would require setback compliance. Under the current parcel configuration, the house on the Halsey property ("Parcel C") does not conform with the following required setbacks:*

SETBACK	REQUIREMENT	AS EXISTING	DISPOSITION AFTER LOT LINE ADJUSTMENT
North Side Setback	30 feet	8 feet	Will Conform (61 feet)
South Side Setback	30 feet	18 feet	Remains Non-Conforming
Bluff-Top Setback	50 feet	22 feet	Remains Non-Conforming

*The proposed lot line adjustment would relocate the northern property line further from the house, and would bring the structure into conformance with the northern side setback. After the lot line adjustment, however, the house will continue to encroach within the southern side setback and the bluff-top setback. Condition 12 would require the structure to conform with the Land Use Ordinance Standards. In order to satisfy this condition, the applicant may either modify the structures to meet the setback, or use adjustments to the setback standards as provided for in the Land Use Ordinance.*

### Issue 2 – Setbacks – Doty Property

**Appellant Statement:** The fact that the structures on the Doty property encroach is essentially an academic one because Ms. Doty owns the adjacent property to which the structures encroach. It shouldn't matter how close the structures are to the property line since she owns both properties in question. It is our opinion that the Planning Department's concern can be remedied when one of the properties changes ownership.

**Staff Response:** *Staff is required to assess setback conformity during the Lot Line Adjustment process. Currently, the two parcels in question are under the same ownership; however they are both legal parcels which can be separately conveyed without necessitating County Planning's involvement. No mechanism exists for the Planning Department to ensure conformity before one of the parcels is conveyed to another party.*

*A more effective way of correcting for the deficient setbacks would be to include Ms. Doty's second parcel ("Parcel A") in this Lot Line Adjustment request. This would facilitate the relocation of the line a sufficient distance away from the existing structures, thus bringing the structures into conformity with side setback standards.*

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*The function of side setback requirements is to implement goals and policies of the General Plan's Safety Element, which include provision of building separation in order to allow firefighters access to a site and the ability to maneuver. CDF has expressed particular concern for their ability to access sites in semi-rural residential developments, such as this, in the past. The applicant has the ability to make a written request to CDF/County Fire for a side setback adjustment. Setback adjustments of this nature are generally granted when CDF determines the reduced setback will not adversely impact the potential safety of firefighters, or their ability to suppress fires on or near the site.*

*In summary, the applicants have three ways in which they can bring the Doty parcel into conformance with the side setback standards:*

- 1. **Setback Adjustment** – Obtain written approval of a side setback adjustment from CDF/County Fire. Implement CDF's recommended fire mitigation strategies.*
- 2. **Revised Lot Line Adjustment** – In addition to the two subject parcels, include Ms. Doty's second parcel to the north, "Parcel A," in the Lot Line Adjustment proposal. This would allow the line between Ms. Doty's parcels to be adjusted to accommodate the required 30-foot setback.*
- 3. **Structural Modification** – Modify, remove, or demolish the structures so as to provide for a 30-foot side setback.*

*The applicants have been presented with three ways with which they can bring the Doty parcel into conformance with the side setback standard. The applicant's proposed solution of requiring conformity when a parcel is transferred is not feasible or enforceable. As such, staff feels that it is reasonable to require that the structures on the parcel be brought into conformity prior to the effectuation of the Lot Line Adjustment.*

### **Issue 3 – CDF Setback Approval**

**Appellant Statement:** Appropriate setbacks will be accomplished to the satisfaction of the CDF.

**Staff Response:** *Obtaining written approval of reduced setbacks from CDF with the incorporation of appropriate fire suppression mitigation will satisfy Condition 12 as it relates to the non-conforming side setbacks. Adjustment to bluff-top setbacks could be accomplished through the Minor Use Permit process. At this time, staff has received no documentation to suggest that CDF has considered reduced setbacks on this site.*

### **Issue 4 – Legal Non-Conforming Status**

**Appellant Statement:** Ms. Doty, Parcel B, has her primary unit, built in the 1930's; one temporary unit, a trailer, which was placed on the property in 1969 when we believe the property was zoned agricultural; and three small homes built or moved onto the property in the 1950's before County zoning ordinances; thereby establishing legal non-conformity.

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**Staff Response:** *The 5.3 acre Doty parcel currently houses five residential units, as described. The applicants have provided documentation from the County Assessor and the UCSB Map and Imagery Lab (attached to Planning Department Hearing staff report) which suggest that four of the five structures may have been on the site prior to building permit requirements and zoning density regulations. No documentation was submitted in regards to the fifth residence, a mobile home.*

*The Real Property Division Ordinance requires that the hearing body find that the Lot Line Adjustment is in compliance with the **current** General Plan and zoning and building ordinances in order to reach an approval. The language in this ordinance suggests that regardless of whether a use or structure has established legal non-conformity, it must be brought into conformance in order for the necessary findings to be made and the Lot Line Adjustment to be approved. The Real Property Division Ordinance has been consistently administered in this fashion.*

*The General Plan designates the site as being within the Residential Suburban (RS) land use category. The number of homes on the site are not consistent with current density standards for the RS designation. As provided by the Land Use Ordinance, the number of residences on this site is limited to one primary and one secondary unit. Any secondary unit on the site must also be subject to secondary unit standards.*

*If a Lot Line Adjustment was not requested (or the effectuation of this lot line adjustment not pursued), legal nonconformities on the site would be allowed to remain, however, the Land Use Ordinance would prohibit expansion of these legal non-conforming structures. The purpose of the non-conforming provisions of the Land Use Ordinance that allow legal non-conforming structures to remain, but not be expanded, is to encourage that any legal non-conforming structure be removed or brought into conformance as soon as possible. Structures built without permits could potentially be constructed in an unsafe manner. Older mobile homes do not contain the safety features of newer mobile homes. As the Land Use Ordinance exists to protect the health, safety and welfare of the public, staff believes that resolving the non-conformity at the earliest possible time (the time of this lot line adjustment approval) is the best course of action.*

#### **Issue 5 – Residential Density**

**Appellant Statement:** *Ms. Doty's 2.6 acre parcel to the north of Parcel B has one home. She has a total of six housing structures on 7.9 acres, where two homes are allowed on individual properties of 2.5 acres. This meets the residential density requirement in the spirit of which the law was intended, if not the actual letter of the law. Our area has several developments of only one-half acre homes, some with secondary units, and those units continue to be approved thereby increasing density way beyond what Ms. Doty has on her property.*

**Staff Response:** *The project site is located in the Residential Suburban land use category. Both of Ms. Doty's parcels are legal lots and are permitted to have one primary unit and one secondary unit each. Depending on parcel characteristics, such as average slope, minimum parcel size would be either 2.5 or 3 acres.*

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*If these two parcels were subdivided to form three parcels, a total of three primary and three secondary units would be allowed. In order to achieve this density, Ms. Doty would have to apply for a Parcel Map. The Parcel Map process would include environmental review to consider the impacts of the increased density. Generally subdivisions of this nature would require road improvements and payment of impact fees. Additionally, all secondary units would be subject to Land Use Ordinance standards pertaining to access, design, size, and location.*

*With regards to the overall area, the Palo Mesa village does have several developments consisting of one-half acre lots. Many of these lots are located in the Residential Single Family land use category, which allows development with higher densities than those in the Residential Suburban category. Additionally, the half-acre lots in Palo Mesa are served by a community water system (Rural Water Company). Lots with less than one acre in gross area which are served by septic systems would not qualify for secondary units under current standards.*

*In this portion of Palo Mesa village (Pacific Eucalyptus Tract), the existing distribution of Residential Suburban lots ranges in size from 1.0 to 5.5 acres. Currently, the density of Parcel B is nearly twice the overall average density for this neighborhood. Even when considering Parcel B with Parcel A, the density still exceeds the average density in the neighborhood at buildout. The following table summarizes the density relationship between the Doty parcel and its surrounding neighborhood:*

FIGURES ARE IN UNITS PER ACRE	NEIGHBORHOOD AVERAGE		DOTY PARCEL B	DOTY PARCELS A & B (COMBINED DENSITY)
	OVERALL	BY PARCEL <sup>3</sup>		
Existing Density	0.48 u/ac	0.50 u/ac	0.94 u/ac	0.80 u/ac
Buildout Density <sup>1</sup>	0.63 u/ac	0.79 u/ac	0.94 u/ac	0.88 u/ac <sup>2</sup>

- Notes: 1. *This assumes lot lines remain as they exist and that lots over one acre would qualify for secondary units.*
2. *Parcel A could potentially qualify for a secondary unit, bringing the total to 7 units on 7.9 acres.*
3. *Equal weight given to each parcel regardless of acreage.*

#### **Issue 6 – Unreasonable Conditions**

**Appellant Statement:** This is a simple lot line adjustment with two homeowners agreeing to exchange equal amounts of property, with no structures involved, so each can better use the property. The Planning Department instead of trying to help us accomplish this has gone overboard with an “all or nothing” attitude. They would rather see no improvement, rather than negotiate and see some improvement. Their conditions are unrealistic and unreasonable. It doesn't make good sense to require destroying two or three homes.

**Staff Response:** *The Subdivision Map Act limits governmental agencies' review of Lot Line Adjustments to a determination of compliance with the General Plan and zoning and building ordinances. Title 21 of the County Code, the Real Property Division Ordinance, requires that lot line adjustments conform to these documents as referenced in the Subdivision Map Act:*

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*"A lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the lot line adjustment will conform to the County's General Plan, Specific Plan, Local Coastal Program, and zoning and building ordinances."*

*The General Plan identifies this parcel as being within the Residential Suburban land use category. The Land Use Ordinance (zoning ordinance) limits the density of Residential Suburban parcels to one primary and one secondary unit for each parcel. As such, the resulting lots will not conform to the General Plan and zoning ordinance unless conditioned to reduce the density and provide adequate setbacks.*

*The County has consistently administered the Real Property Division Ordinance in this fashion. The purpose of the conditions requiring density, setback, and secondary unit standard conformity is to enable the required findings to be made. Without these conditions, the required findings could not be made, and the project would have to be disapproved. If this Lot Line Adjustment were disapproved or otherwise not effectuated, any legal non-conforming structures would be allowed to remain as is.*

#### **Issue 7 – Affordable Housing**

**Appellant Statement:** It doesn't make good sense to require destroying two or three homes. These are perfectly good small homes that serve a purpose as affordable housing, of which our county is in very short supply, as evidenced by frequent newspaper topics on the subject. Keeping the homes does nothing to increase unit density.

**Staff Response:** *Absent this Lot Line Adjustment request, staff would not require the removal of structures that have been established as legal non-conforming uses. The density on the Doty parcel exceeds the maximum allowed by the General Plan and zoning ordinance. Conformity must be addressed in order to make the required findings for Lot Line Adjustment approval. Staff encourages affordable housing when that housing meets the policies of the General Plan and the standards of the Land Use Ordinance. Removal of the houses is at the option of the applicant/appellant. Should the applicant go through with the lot line adjustment, density would have to be brought into conformity prior to effectuation. Should the applicant choose not to finalize the Lot Line Adjustment, all legal non-conformities would be allowed to remain.*

#### **OTHER AGENCY INVOLVEMENT/IMPACT**

Nipomo Community Advisory Council – The Nipomo Community Advisory Council recommended approval of the project with conditions that the site be brought into conformance with the Land Use Ordinance.

#### **FINANCIAL CONSIDERATIONS**

The appeal was processed using the appeal fee collected.

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## RESULTS

Denial of the appeal and upholding the Planning Department Hearing Officer's action on Lot Line Adjustment COAL 05-0283 would allow the Lot Line Adjustment to be effectuated subject to the conditions listed in Exhibit B.

Upholding the appeal and overturning the decision of the Planning Department Hearing Officer would allow the Lot Line Adjustment to be effectuated under conditions of approval identified by the Board.

## ATTACHMENTS

1. Resolution upholding the Planning Department Hearing Officer's decision
2. Exhibit A – Findings for COAL 05-0283
3. Exhibit B – Conditions of Approval for COAL 05-0283
4. Appeal letter including attachments
5. Staff report from the February 3, 2006 Planning Department Hearing
6. Excerpt of draft minutes from the February 3, 2006 Planning Department Hearing

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**IN THE BOARD OF SUPERVISORS**  
COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA

\_\_\_\_\_ day \_\_\_\_\_, 20

**PRESENT: Supervisors**

**ABSENT:**

RESOLUTION NO. \_\_\_\_\_

RESOLUTION AFFIRMING THE DECISION OF THE  
DIRECTOR OF PLANNING AND BUILDING AND CONDITIONALLY  
APPROVING THE APPLICATION OF DONALD HALSEY AND  
CAROL ANNE DOTY FOR LOT LINE ADJUSTMENT COAL 05-0283

The following resolution is now offered and read:

WHEREAS, on February 3, 2006, the Director of Planning and Building of the County of San Luis Obispo acting by and through his designated staff member (hereinafter referred to as the "Planning Director") duly considered and conditionally approved the application of Donald Halsey and Carol Anne Doty for Lot Line Adjustment COAL 05-0283; and

WHEREAS, Donald Halsey and Carol Anne Doty have appealed the Planning Director's decision to the Board of Supervisors of the County of San Luis Obispo (hereinafter referred to as the "Board of Supervisors") pursuant to the applicable provisions of Title 21 of the San Luis Obispo County Code; and

WHEREAS, a public hearing was duly noticed and conducted by the Board of Supervisors on April 25, 2006, and determination and decision was made on April 25, 2006; and

WHEREAS, at said hearing, the Board of Supervisors heard and received all oral and written protests, objections, and evidence, which were made, presented, or filed, and all persons present were given the opportunity to hear and be heard in respect to any matter relating to said appeal; and

WHEREAS, the Board of Supervisors has duly considered the appeal and finds that the appeal should be denied and the decision of the Planning Director should be affirmed subject to the findings and conditions set forth below.

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NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That the recitals set forth hereinabove are true, correct and valid.
2. That the Board of Supervisors makes all of the findings of fact and determinations set forth in Exhibit A attached hereto and incorporated by reference herein as though set forth in full.
3. That this project is found to be categorically exempt from the provisions of the California Environmental Quality Act under the provisions of California Code of Regulations, title 14, section 15305 (class 5).
4. That the appeal filed by Donald Halsey and Carol Anne Doty is hereby denied and the decision of the Planning Director is affirmed and that the application of Donald Halsey and Carol Anne Doty for Lot Line Adjustment COAL 05-0283 is hereby approved subject to the conditions of approval set forth in Exhibit B attached hereto and incorporated by reference herein as though set forth in full.

Upon motion of Supervisor \_\_\_\_\_, seconded by Supervisor \_\_\_\_\_, and on the following roll call vote, to wit:

AYES:

NOES:

ABSENT:

ABSTAINING:

the foregoing resolution is hereby adopted.

\_\_\_\_\_  
Chairman of the Board of Supervisors

ATTEST:

\_\_\_\_\_  
Clerk of the Board of Supervisors

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APPROVED AS TO FORM AND LEGAL EFFECT:

JAMES B. LINDHOLM, JR.  
County Counsel

By: \_\_\_\_\_

Deputy County Counsel

Dated: \_\_\_\_\_

March 30, 2006

STATE OF CALIFORNIA, )

COUNTY OF SAN LUIS OBISPO, )

ss.

I, \_\_\_\_\_, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this  
day of \_\_\_\_\_, 2006.

County Clerk and Ex-Officio Clerk of the Board  
of Supervisors

(SEAL)

By \_\_\_\_\_

Deputy Clerk.

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**FINDINGS - EXHIBIT A**  
Doty/Halsey Lot Line Adjustment COAL05-0283

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the proposed adjustment, as conditioned, conforms to the County's General Plan and the zoning and building ordinances, and the proposed configuration results in a situation that is better than or equal to the existing configuration.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15305 because the proposed project is a minor alteration of land limitations not resulting in the creation of new lots, in an area of with an average slope of less than 20 percent.

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**CONDITIONS - EXHIBIT B**  
**Doty/Halsey Lot Line Adjustment COAL05-0283**

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
  - a. All public utility easements.
  - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action

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10. Prior to the effectuation of the Lot Line Adjustment, the residential density on Parcel B shall be brought into conformance with the Land Use Ordinance, as follows:
  - a. The number of residential units on Parcel B shall be reduced to two: one primary and one secondary dwelling unit.
  - b. Three of the existing five residential units on Parcel B shall be removed, demolished, or converted to an accessory use in compliance with the Land Use Ordinance.
11. Prior to the effectuation of the Lot Line Adjustment, if a secondary unit remains on Parcel B, the applicant shall provide evidence to the County Planning and Building Department that the secondary unit conforms to the requirements of Section 22.30.470 of the Land Use Ordinance.
12. Prior to the effectuation of the Lot Line Adjustment, all structures or portions thereof that encroach into required setbacks, including the 50-foot blufftop setback, shall be brought into conformance with the Land Use Ordinance, or removed/demolished.
13. Demolition permits may be required for demolition of structures. If necessary, such permits shall be acquired prior to effectuation of the Lot Line Adjustment.
14. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded to provide access to Parcel C. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.
15. The parcels shall be numbered in sequence.

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# Inland Appeal Application

San Luis Obispo County Department of Planning and Building

## PROJECT INFORMATION

Type of permit being appealed:

- ☐ Plot Plan ☐ Site Plan ☐ Minor Use Permit ☐ Development Plan ☐ Variance  
☐ Land Division ☒ Lot Line Adjustment ☐ Sending Site Determination ☐ Other \_\_\_\_\_

File Number: SUB 2005-00049

COAL 05-0283

The decision was made by:

- ☐ Planning Director ☐ Building Official ☐ TDC Review Committee ☒ Administrative Hearing Officer  
☐ Subdivision Review Board ☐ Planning Commission ☒ Other PAH

Date the application was acted on February 3, 2006

The decision is appealed to:

- ☐ Board of Construction Appeals ☐ Board of Handicapped Access ☐ Planning Commission ☒ Board of Supervisors

## BASIS FOR APPEAL

Appeal Reasons: Please state your reasons for the appeal. In the case of a Construction Code Appeal, note specific code name and sections disputed (*attach additional sheets if necessary*). Please Note: An appeal should be filed by an aggrieved person or the applicant at each stage in the process if they are still unsatisfied by the last action.

See Attached

Specific Conditions. The specific conditions that I wish to appeal that relate to the above referenced grounds for appeal are:

Condition Number	Reason for appeal ( <i>attach additional sheets if necessary</i> )
<u>10, 11, 12</u>	<u>See Attached</u>

## APPELLANT INFORMATION

Print name: DONALD R. HALSEY / CAROL ANNE DOTY

Address: 942 Mesa View Drive, Arroyo Grande 93420 Phone Number (daytime): 481-3408

We have completed this form accurately and declare all statements made here are true.

Carol Anne Doty  
Signature

Donald R. Halsey

2/15/06  
Date

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### OFFICE USE ONLY

Date Received: \_\_\_\_\_  
Amount Paid: \_\_\_\_\_

By: \_\_\_\_\_  
Receipt No. (if applicable): \_\_\_\_\_

Revised 7/31/01/ep

County seems to have two main concerns:

1. **Setbacks:** The Halsey residence on parcel C, and four of the five structures on the Doty property, Parcel B, encroach within the 30 foot required set back from property lines. Approving the conditions of the lot line adjustment would bring the Halsey property into compliance. The fact that the structures on the Doty property encroach is essentially an academic one because Ms Doty owns the adjacent property to which the structures encroach. It shouldn't matter how close the structures are to the property line since she owns both properties in question. It is our opinion that the planning department's concern can be remedied when one of the involved properties changes ownership. Appropriate setbacks will be accomplished to the satisfaction of the CDF.
2. **Residential density :** Residential density standards for the Residential Suburban land use category allows one primary unit and one secondary unit on the parcel. It has also been stated, during the planning department hearing, that 2.5 acre parcels are the minimum preferred. Ms Doty , parcel B, has her primary unit, built in the 1930's, one temporary unit, a trailer, which was placed on the property in 1969 when we believe the property was zoned agricultural; and three small homes built or moved to the property in the 1950's before county zoning ordinances; thereby establishing a legal non conformity. Ms Doty's 2.6 acre parcel to the north of parcel B has one home. She has a total of six housing structures on 7.9 acres where two homes are allowed on individual properties of 2.5 acres. This meets the residential density requirement in the spirit of which the law was intended, if not the actual letter of the law. Our area has several developments of only one half acre homes, some with secondary units, and those units continue to be approved thereby increasing density way beyond what Ms Doty has on her property.

The Planning Department has the opportunity to improve two lots by accepting the above argument. This is a simple lot line adjustment with two homeowners agreeing to exchange equal amounts of property, with no structures involved, so each can better use the property. The planning department, instead of trying to help us accomplish this, has gone overboard with there "all or nothing" attitude. They would rather see no improvement, rather than negotiate and see some improvement. There conditions are unrealistic and unreasonable. It doesn't make good sense to require destroying two or three homes. These are perfectly good small homes that serve a purpose as affordable housing; of which our county is in very short supply, as evidenced by frequent newspaper topics on the subject. Keeping the homes does nothing to increase unit density.

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County seems to have two main concerns:

1. Setbacks: The Halsey residence on parcel C, and four of the five structures on the Doty property, Parcel B, encroach within the 30 foot required set back from property lines. Approving the conditions of the lot line adjustment would bring the Halsey property into compliance. The fact that the structures on the Doty property encroach is essentially an academic one because Ms Doty owns the adjacent property to which the structures encroach. It shouldn't matter how close the structures are to the property line since she owns both properties in question. It is our opinion that the planning department's concern can be remedied when one of the involved properties changes ownership. Appropriate setbacks will be accomplished to the satisfaction of the CDF.

2. Residential density: Residential density standards for the Residential Suburban land use category allows one primary unit and one secondary unit on the parcel. It has also been stated, during the planning department hearing, that 2.5 acre parcels are the minimum preferred. Ms Doty, parcel B, has her primary unit, built in the 1930's, one temporary unit, a trailer, which was placed on the property in 1969 when we believe the property was zoned agricultural; and three small homes built or moved to the property in the 1950's before county zoning ordinances; thereby establishing a legal non conformity. Ms Doty's 2.6 acre parcel to the north of parcel B has one home. She has a total of six housing structures on 7.9 acres where two homes are allowed on individual properties of 2.5 acres. This meets the residential density requirement in the spirit of which the law was intended, if not the actual letter of the law. Our area has several developments of only one half acre homes, some with secondary units, and those units continue to be approved thereby increasing density way beyond what Ms Doty has on her property.

The Planning Department has the opportunity to improve two lots by accepting the above argument. This is a simple lot line adjustment with two homeowners agreeing to exchange equal amounts of property, with no structures involved, so each can better use the property. The planning department, instead of trying to help us accomplish this, has gone overboard with there "all or nothing" attitude. They would rather see no improvement, rather than negotiate and see some improvement. There conditions are unrealistic and unreasonable. It doesn't make good sense to require destroying two or three homes. These are perfectly good small homes that serve a purpose as affordable housing; of which our county is in very short supply, as evidenced by frequent newspaper topics on the subject. Keeping the homes does nothing to increase unit density.

*Note: The numbers shown on this exhibit correspond to the appeal issues that have been addressed in the staff report.*

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**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**7-1**

**PLANNING DEPARTMENT HEARING**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> February 3, 2006	<b>CONTACT/PHONE</b> Michael Conger (805) 781-5136	<b>APPLICANT</b> Carol Anne Doty Donald Halsey	<b>FILE NO.</b> COAL 05-0283 SUB2005-00049				
<b>SUBJECT</b> Request by Carol Anne Doty and Donald Halsey for a Lot Line Adjustment (COAL 05-0283) to adjust the lines between two parcels of 5.3 acres and 1.5 acres each. The adjustment will result in two lots of 5.3 acres and 1.5 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Suburban land use category and is located at 2829-2875 Kip Lane and 942 Mesa View Drive (Highway 1), in the village of Palo Mesa. The site is in the South County (Inland) planning area.							
<b>RECOMMENDED ACTION</b> Approve Lot Line Adjustment COAL 05-0283 based on the findings listed in Exhibit A and the conditions listed in Exhibit B							
<b>ENVIRONMENTAL DETERMINATION</b> A Class 5 Categorical Exemption was issued on January 4, 2006 (ED 05-275).							
<b>LAND USE CATEGORY</b> Residential Suburban	<b>COMBINING DESIGNATION</b> None	<b>ASSESSOR PARCEL NUMBER</b> 075-281-028, 029	<b>SUPERVISOR DISTRICT(S)</b> 4				
<b>PLANNING AREA STANDARDS:</b> Edge of Nipomo Mesa – Setbacks							
<b>LAND USE ORDINANCE STANDARDS:</b> Residential Density, Setbacks							
<b>EXISTING USES:</b> Single Family Residences							
<b>SURROUNDING LAND USE CATEGORIES AND USES:</b> <table style="width: 100%; border: none;"><tr><td style="width: 50%; border: none;"><i>North:</i> Residential Suburban / scattered residences</td><td style="width: 50%; border: none;"><i>East:</i> Residential Suburban / scattered residences</td></tr><tr><td style="width: 50%; border: none;"><i>South:</i> Residential Suburban / scattered residences</td><td style="width: 50%; border: none;"><i>West:</i> Agriculture / UPRR, Irrigated Row Crops</td></tr></table>				<i>North:</i> Residential Suburban / scattered residences	<i>East:</i> Residential Suburban / scattered residences	<i>South:</i> Residential Suburban / scattered residences	<i>West:</i> Agriculture / UPRR, Irrigated Row Crops
<i>North:</i> Residential Suburban / scattered residences	<i>East:</i> Residential Suburban / scattered residences						
<i>South:</i> Residential Suburban / scattered residences	<i>West:</i> Agriculture / UPRR, Irrigated Row Crops						
<b>OTHER AGENCY / ADVISORY GROUP INVOLVEMENT:</b> The project was referred to: Nipomo Community Advisory Council, Public Works, Cal Trans							
<b>TOPOGRAPHY:</b> Gently sloping to steeply sloping (Nipomo Mesa bluff)		<b>VEGETATION:</b> Ornamentals, eucalypti					
<b>PROPOSED SERVICES:</b> Water supply: On-site well Sewage Disposal: Individual septic system Fire Protection: CDF/County Fire		<b>ACCEPTANCE DATE:</b> December 29, 2005					
<b>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT:</b> COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242							

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ORDINANCE COMPLIANCE:

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

PARCEL	EXISTING PARCEL SIZES (ACRES)	ADJUSTED PARCEL SIZES (ACRES)
Parcel C (Halsey)	1.5	1.5
Parcel B (Doty)	5.3	5.3

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to enable more efficient use of the land. Under this proposal, a portion of the Parcel B that is currently unused would be reallocated to Parcel C for use as a garden or to create area to allow a future addition to the residence. To create an equal adjustment, the applicant proposes to reallocate an equal portion of Parcel C to Parcel B. The applicant's statement of reason for the lot line adjustment is attached to this report.

SB 497:

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation.

Parcel C is below minimum parcel size and will remain so after the adjustment. Parcel B, as adjusted, is consistent with the minimum parcel size, as set through the General Plan. Staff has concluded that the Lot Line Adjustment, as conditioned, is consistent with both state and local law.

ISSUES:

Residential Density

In order to determine the Lot Line Adjustment is consistent with both state and local law, the parcels as adjusted cannot provide for density that would exceed what is allowed in the land use category. Should this occur, the adjustment shall be conditioned so that density is brought into conformance, or the units are removed prior to effectuating the Lot Line Adjustment.

Five residential units (four permanent residences, one mobile home) currently exist on Parcel B of the proposed lot line adjustment. The residential density standards for the Residential Suburban land use category allows one primary unit and one secondary unit (in compliance with the secondary unit standards) on the parcel. Parcel B exceeds the maximum number of units by three.

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A permit history inquiry returned no building permits for the construction/installation of any residential units on Parcel B. The applicant has provided assessor's records (attached) indicating that at least three of these units existed on the site prior to construction permit requirements. Additionally, the applicant has provided an aerial photograph taken on July 12, 1960 (attached) that shows four of the five residential units existing on the site. While this evidence may establish legal nonconformity for four of the five units on Parcel B, the Real Property Division Ordinance (§21.02.030.c) requires staff to evaluate the proposal based on the current standards of the zoning and building ordinances. Absent this Lot Line Adjustment request, the legal nonconforming structures could remain.

To remedy this situation, the Lot Line Adjustment is conditioned to require the applicant to remove or demolish three residential units on Parcel B prior to effectuation of the Lot Line Adjustment by final map or certificates of compliance. Additionally, the applicant must demonstrate that the secondary unit meets the special use standards for secondary units.

#### Setbacks

In order to determine that the Lot Line Adjustment is consistent with both state and local law the existing development on the site must meet setback requirements. If the site development does not meet setback requirements, encroachments shall be brought into conformance with the ordinance or removed prior to effectuating the lot line adjustment.

General property development standards require a 30-foot side setback for sites of more than one net acre within a village reserve line. The residence on Parcel C and four of the five residential structures on Parcel B encroach within this setback. Planning area standards for the South County area require a 50-foot setback from the top of the bluff for projects along the edge of the Nipomo Mesa. The residence on Parcel C and two of the five residential structures on Parcel B encroach within this setback. The encroaching structures are identified in the attached exhibit labeled "Setback Encroachments."

The Land Use Ordinance provides remedies for both the side setback and blufftop setback requirements. For side setbacks, the fire inspection authority (CDF/County Fire) may grant an adjustment based on the standards of Section 22.54.020.F of the Land Use Ordinance. To adjust the blufftop setback, the applicant may apply for a Minor Use Permit. Due to the circumstances of the proposed Lot Line Adjustment, the setback adjustments and/or Minor Use Permit have not been processed concurrently with this project. The project has been conditioned to resolve the encroachment by removal or by bringing the encroaching structures into conformance with the ordinance.

#### Parcel Closure

Through review of the tentative lot line adjustment, a mapping error was identified. The Pacific Eucalyptus Tract, recorded in 1911, provided a bearing with no measurement for a line segment marking one of the external boundaries of Parcel B. This error, which causes a gap in the parcel lines and prevents the parcel from closing, was carried over in the Final Map recorded for a previous Lot Line Adjustment. The County Surveyor has indicated that this error will be rectified during the effectuation process.

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COMMUNITY ADVISORY COUNCIL COMMENTS:

The Nipomo Community Advisory Council (NCAC) recommended approval of this project, with conditions that the lots be brought into conformity, at the November 28, 2005 meeting.

LEGAL LOT STATUS:

The two lots were legally created by a recorded map (COAL 83-028), recorded in Book 36 Page 35 of Parcel Maps.

Staff report prepared by Michael Conger and reviewed by Kami Griffin.

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**FINDINGS - EXHIBIT A**

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the proposed adjustment, as conditioned, conforms to the County's General Plan and the zoning and building ordinances, and the proposed configuration results in a situation that is better than or equal to the existing configuration.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class 5) pursuant to CEQA Guidelines Section 15305 because the proposed project is a minor alteration of land limitations not resulting in the creation of new lots, in an area of with an average slope of less than 20 percent.

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**CONDITIONS - EXHIBIT B**

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
  - a. All public utility easements.
  - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. Prior to the effectuation of the Lot Line Adjustment, the residential density on Parcel B shall be brought into conformance with the Land Use Ordinance, as follows:
  - a. The number of residential units on Parcel B shall be reduced to two: one primary and one secondary dwelling unit.

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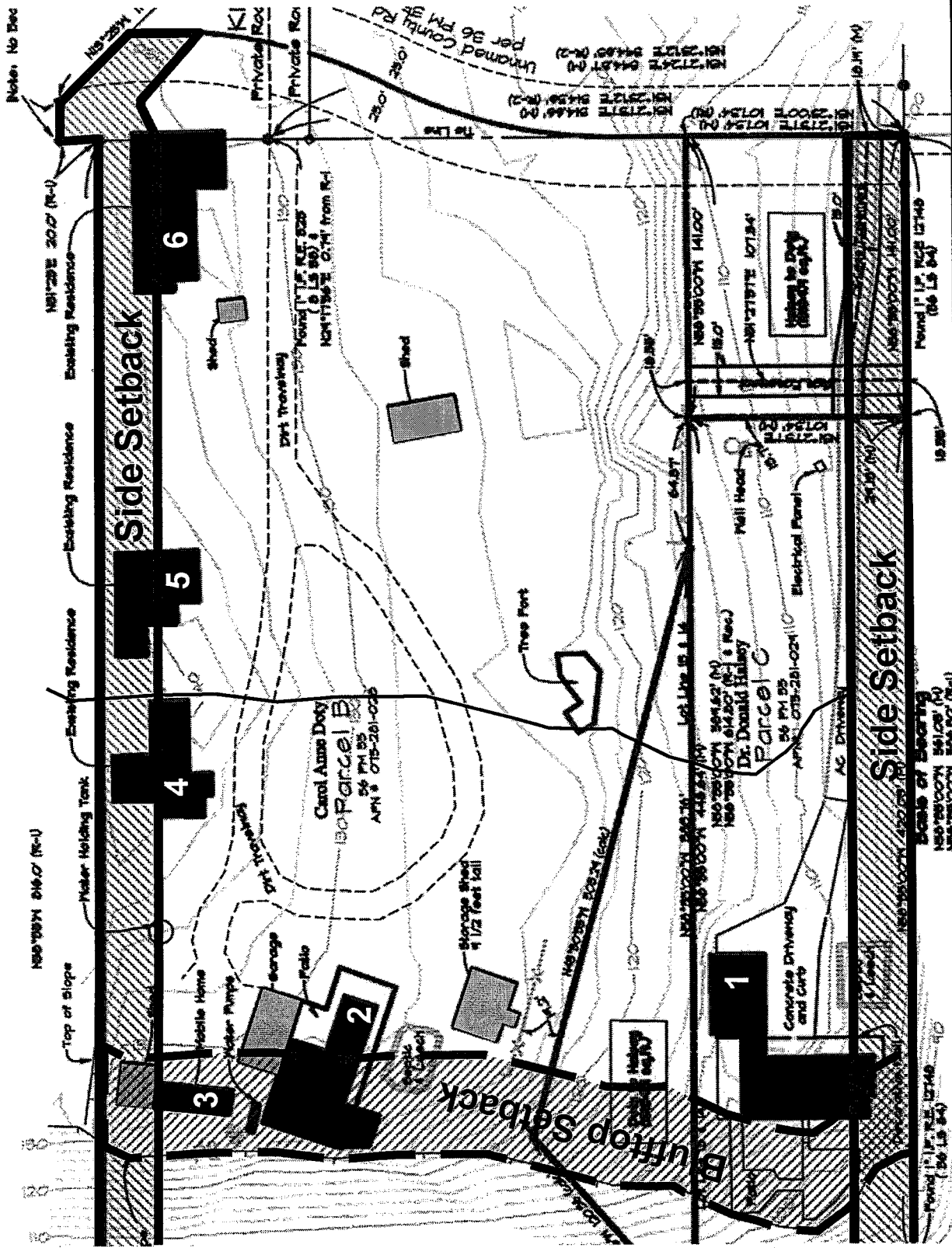
7-7

- b. Three of the existing five residential units on Parcel B shall be removed, demolished, or converted to an accessory use in compliance with the Land Use Ordinance.
11. Prior to the effectuation of the Lot Line Adjustment, if a secondary unit remains on Parcel B, the applicant shall provide evidence to the County Planning and Building Department that the secondary unit conforms to the requirements of Section 22.30.470 of the Land Use Ordinance.
  12. Prior to the effectuation of the Lot Line Adjustment, all structures or portions thereof that encroach into required setbacks, including the 50-foot blufftop setback, shall be brought into conformance with the Land Use Ordinance, or removed/demolished.
  13. Demolition permits may be required for demolition of structures. If necessary, such permits shall be acquired prior to effectuation of the Lot Line Adjustment.
  14. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded to provide access to Parcel C. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.

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7-8



C-4 25

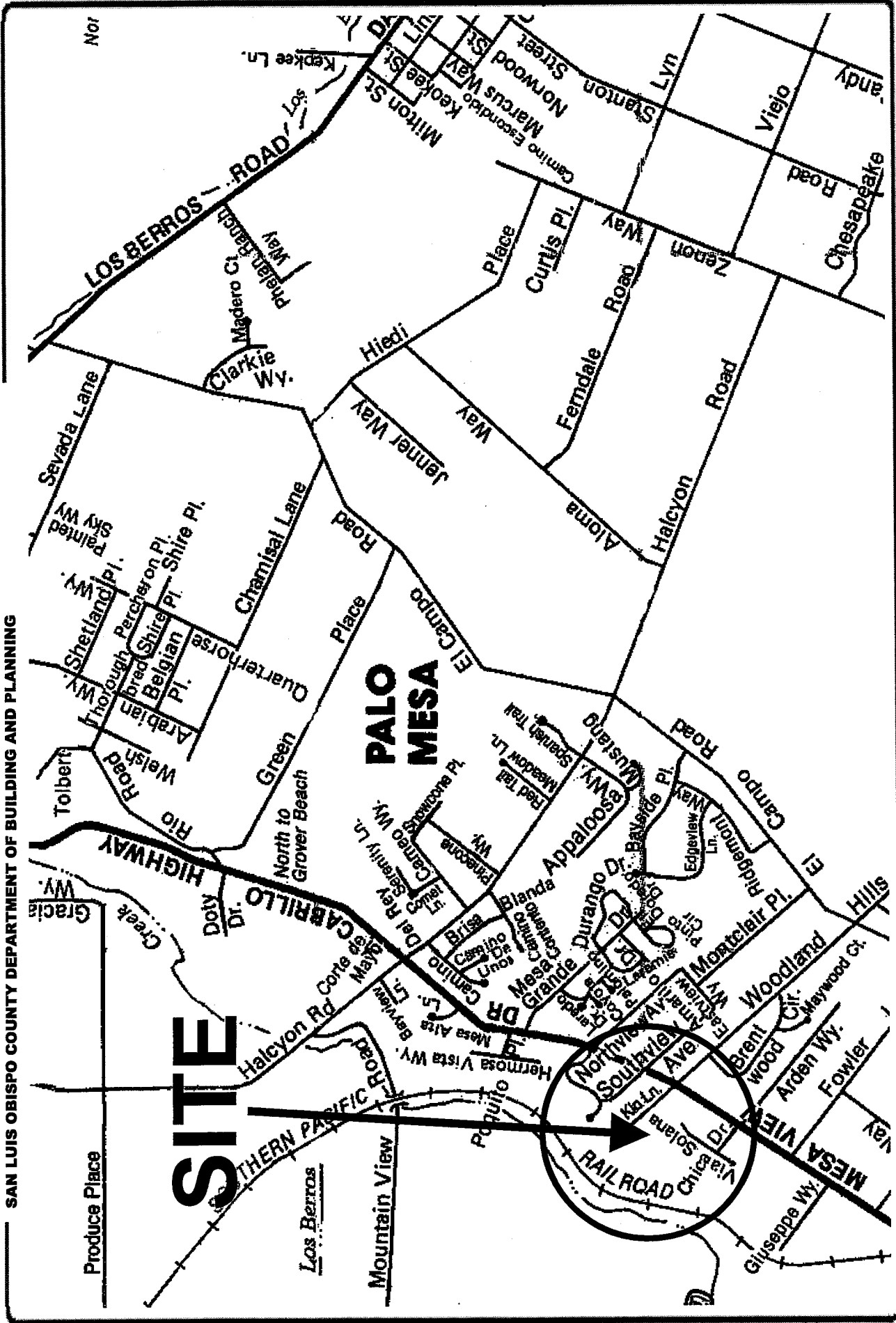
PROJECT

Lot Line Adjustment  
Duty SUB2005-00049

EXHIBIT

Setback Encroachments





7-9

PROJECT

Lot Line Adjustment  
Doty SUB2005-00049

EXHIBIT

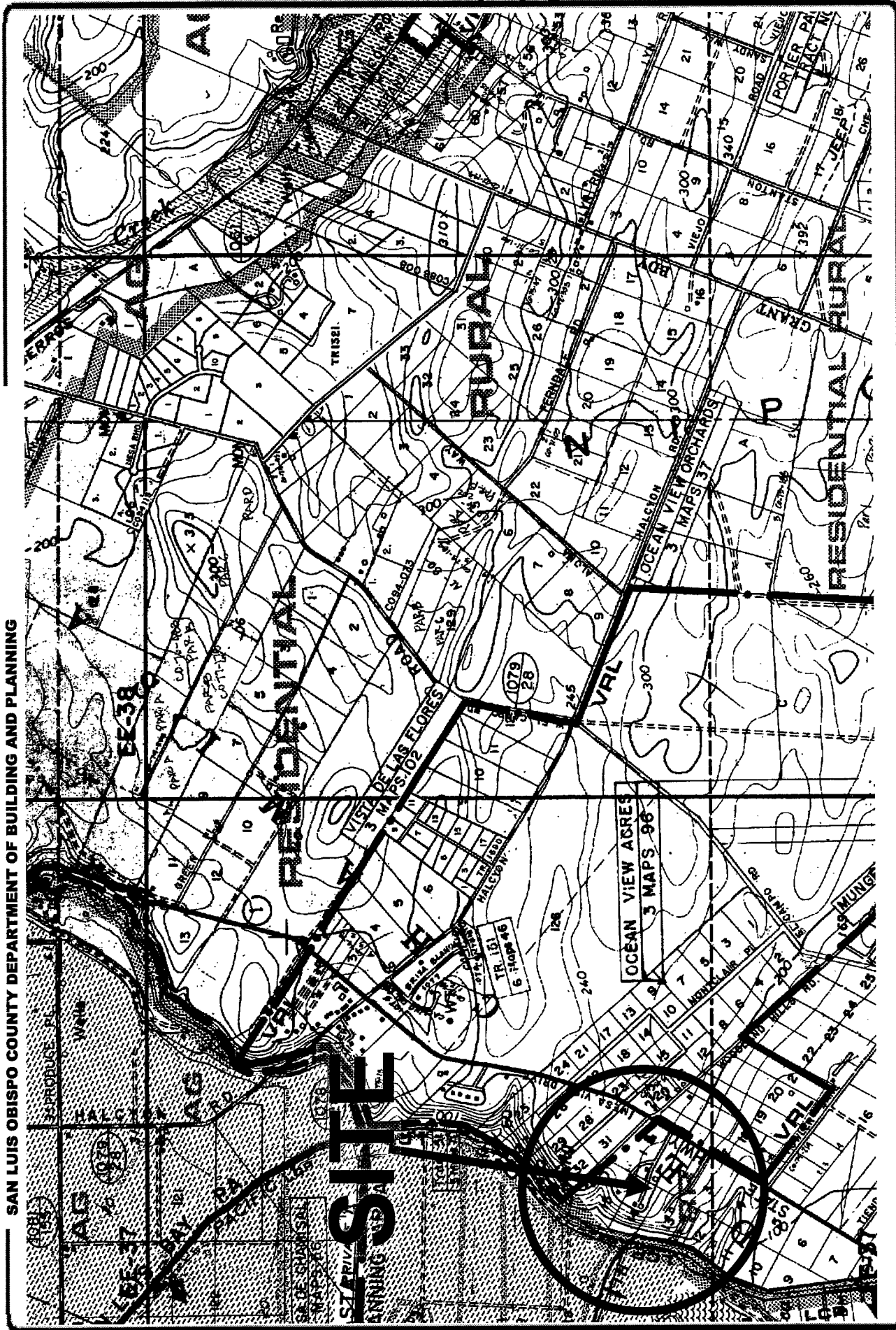
Palo Mesa Vicinity



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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING



PROJECT

Lot Line Adjustment  
Dty SUB2005-00049

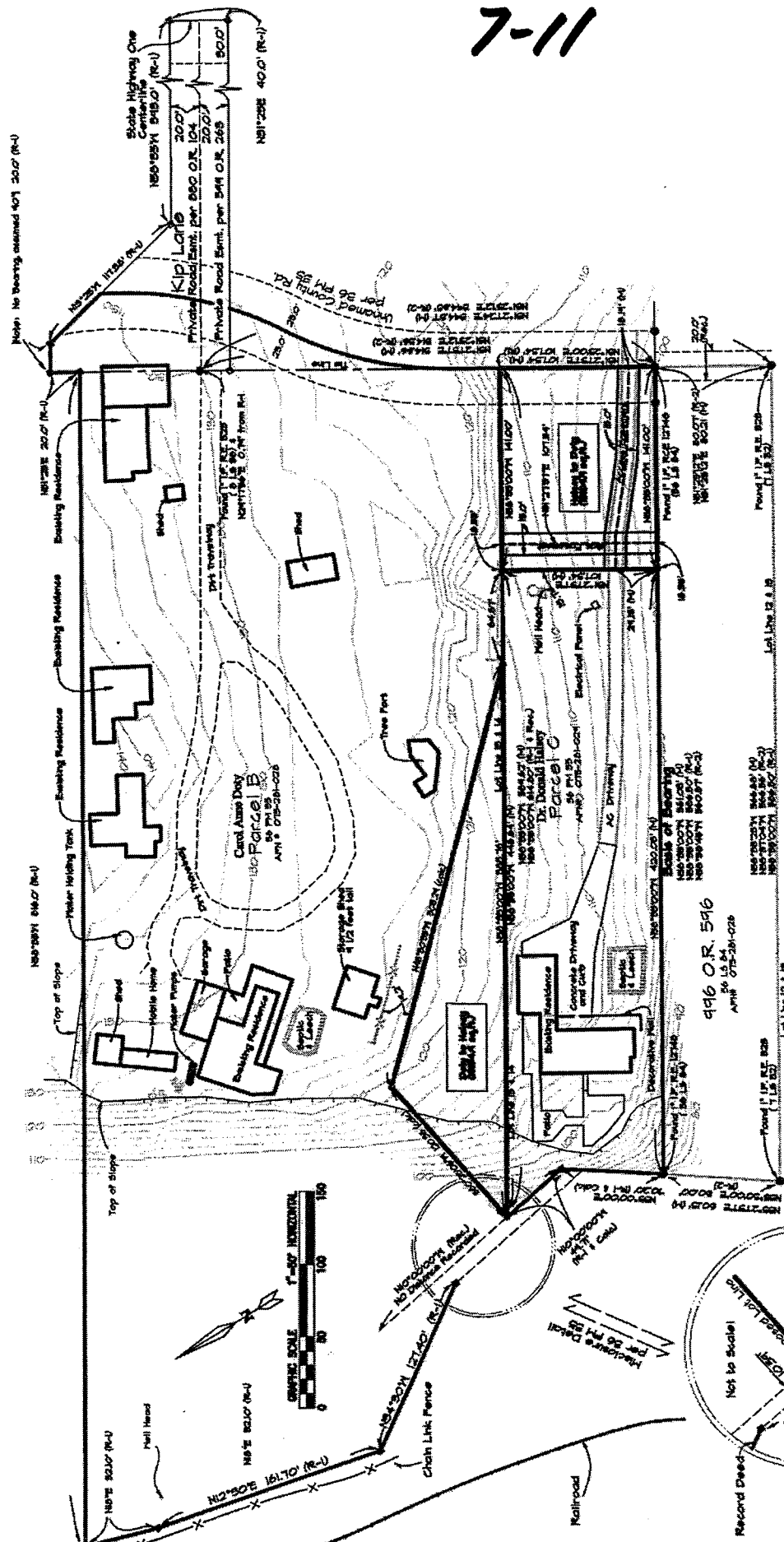
EXHIBIT

Land Use Category



7-4-27

**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**



Call for Lot Line Only

C-4 26

# PROJECT

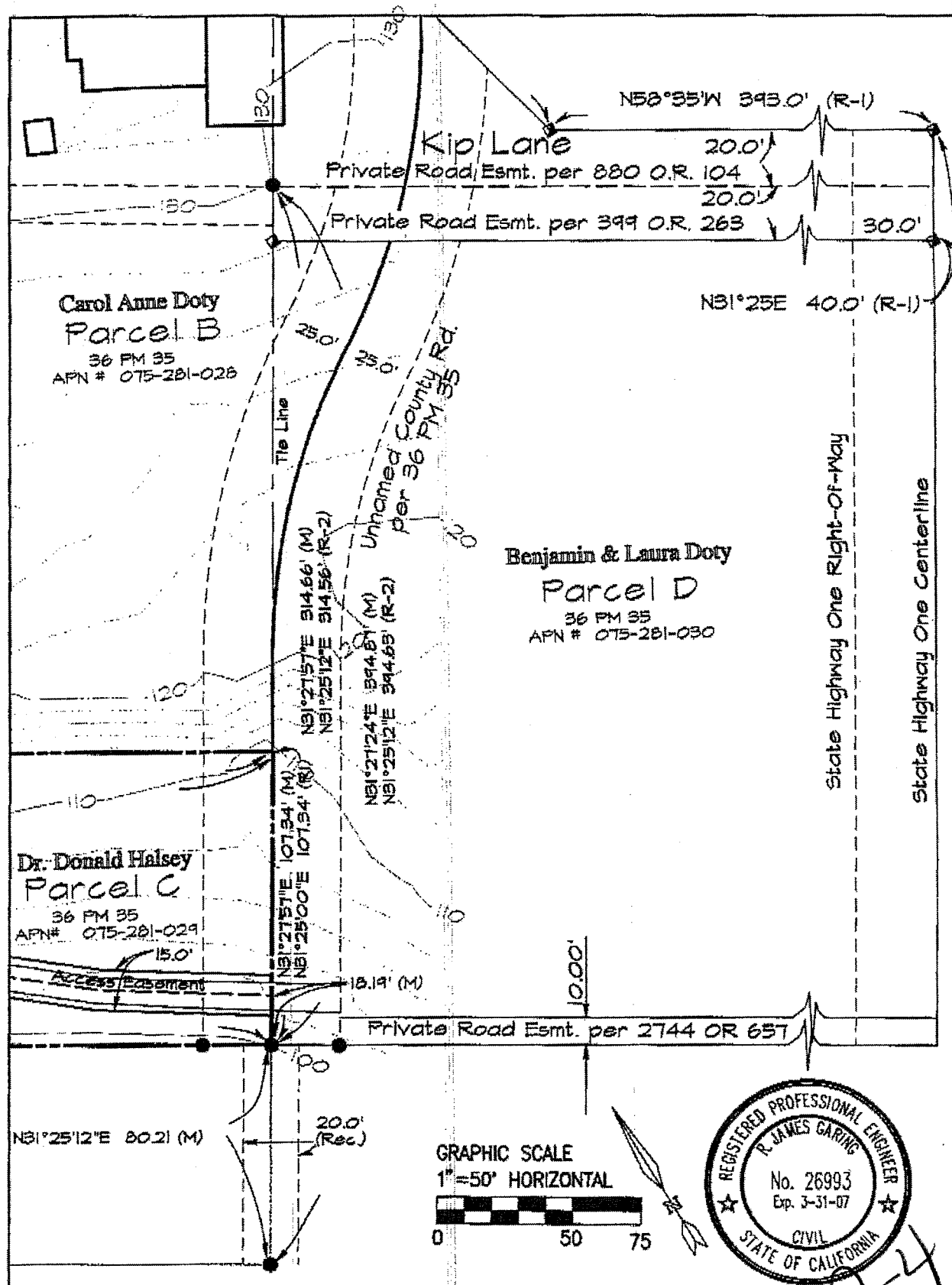
Lot Line Adjustment  
Doty SUB2005-00049

**EXHIBIT**

# Site Plan



7-12



EXHIBIT

Road Access from Hwy 1 to Parcel C



PROJECT

Lot Line Adjustment

Doty SUB2005-00049



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C-4/30

PROJECT

Lot Line Adjustment  
Doty SUB2005-00049

EXHIBIT

1960 Aerial Photo - UCSB Map & Imagery Lab



7-14

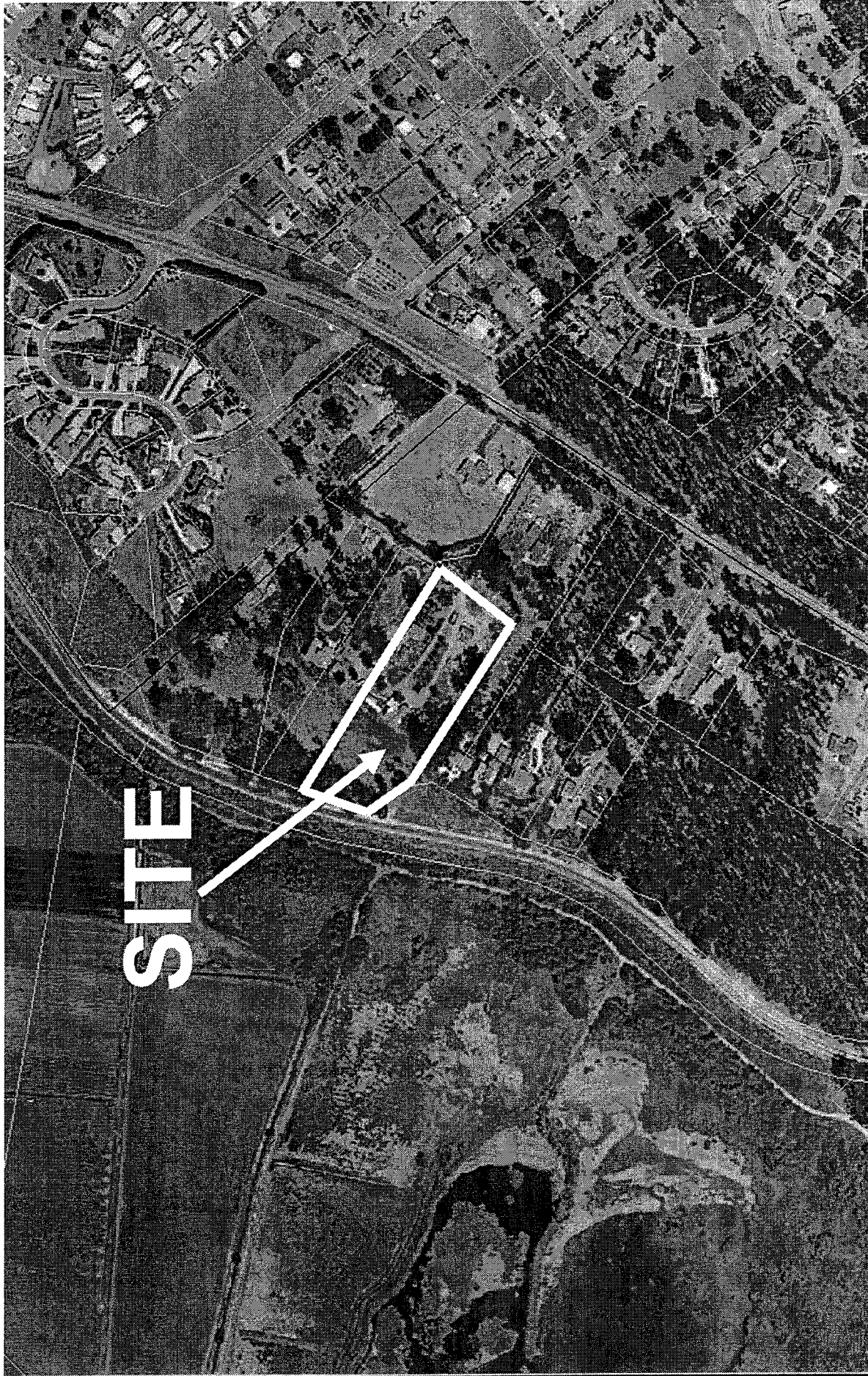


EXHIBIT Aerial Photo



PROJECT Lot Line Adjustment  
Doty SUB2005-00049

7-14  
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SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING

EXTRACTION SHEET # 40  
ADDRESS LOT 185 PACIFIC EUCALYPTUS TRACT, LOT 14  
COUNTY ~~SAN LUIS OBISPO~~ ODTY ~~SAN LUIS OBISPO~~ ADDRESS ~~LOT 14~~ 928 N<sup>O</sup>

RESIDENTIAL BUILDING NEGOKU 25428 PARCEL 5-281-06 \$178

SHEET 1 OF 45 SHEETS

SUBDIVISION MAP NO.  
ADJACENT LOT 125 PACIFIC EUCALYPTUS TRACT - LOT 14  
~~SECTION 9, TOWNSHIP 8N, RANG 7E~~  
ADDRESS: ~~SECTION 9, TOWNSHIP 8N, RANG 7E~~ 25428 PARCEL SHEET 1 OF 45 SHEETS  
RESIDENTIAL BUILDING RECORD  
928-160

## DESCRIPTION OF BUILDING

CLASS & SHAPE			CONSTRUCTION	STRUCTURAL	EXTERIOR	ROOF		LIGHTING		AIR CONDITION		ROOM AND FINISH DETAIL																																																								
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COMPUTATION															
Appraisals & Date		MC 8-2-49		REV 4-25-50		BN 8-10-60		BTS 11-23-64		NS 7-13-69		DL 2-4-70		Cost	
Unit	Acreage	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost
2044	Hwy	4.00	1736	6.20	9963	6.90	11088	7.50	12053	7.40	12957	7.75	15841		
3574	Hwy	1.00	360	1.60	416	1.73	450	1.88	489	1.85	481	1.94	504		
replaced	-	-	204	2.75		300	300	300			300		350		
ump	-	-	190	200		200	200				200		31557		
IRCON				150		158					158		160		
ATLO	772												1004		
NC PMSIO	455														
TOTAL			5486		11004		12196		13200		14096		14954		
NORMAL % GOOD			95		81		90		80		80		79		
ACLDND.			4312		8913		254996		10560		11277		13031		

C-4

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**PROJECT**  
Lot Line Adjustment  
Doty SUB2005-00049

**EXHIBIT** \_\_\_\_\_  
Assessor's Records (1 of 3)



# RESIDENTIAL BUILDING RECORD

SHEET 2 OF 45 SHEETS

CLASS & SHAPE		CONSTRUCTION	STRUCTURAL	EXTERIOR	ROOF	LIGHTING			AIR CONDITION			ROOM AND FINISH DETAIL																																																																																																																																																																																																																																																																																																																																																																																																																																																																									
ARCHITECTURE	Use	Type	Design	Foundation	FLOOR FINISH	WALLS	CEILING	TRIM	INTERIOR	FINISH	FLOORS	ROOMS	FLOORS	FLOOR FINISH	TRIM	INTERIOR	FINISH																																																																																																																																																																																																																																																																																																																																																																																																																																																																				
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[illegible][illegible]

Appraiser & Date		EN 4-25-56		RN 8-10-60		BB 11-23-64		MM 8-66		DK 2-4-70					
Unit	Area	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost	Unit Cost	Cost
3000	980	2.25	4576	7.10	4998	8.10	5762	7.30	7154	7.38	7232				
1000	314	4.95	755	5.33	821	6.08	936	5.48	844	7.38	856				
200	70	3.30	231	3.55	249	4.05	284	5.48	284	5.54	388				
200	102	1.60	163	1.78	182	2.03	209	1.83	187	2.25	230				
200	94							3.65	343	3.69	347				
CLP	268							1.25	325	1.25	235				
500									450		450				

Lot Line Adjustment  
Doty SUB2005-00049

## Assessor's Records (2 of 3)



7/6



Reason for lot line adjustment:

7-18

Both parties involved in this request for lot line adjustment believe that the changes proposed in this application would enable better use of the land by each property owner.

The Doty property, Parcel B, is generally flat except for an area on the southern boundary and western half of the property. This area is downgrade, unused, unlandscaped, and essentially out of site of the remainder of the property. The Halsey property, Parcel C, has a property line only 8 feet from this unused area. They want this property in order to get better access to the house and in which to develop gardens to enhance the area.

The Halsey property has an area on its eastern end that is level, unused by them, contiguous to the Doty property, and to her son's property on the east, and could be well utilized by that family. This lot line adjustment would benefit both parties and is the desire of both property owners.

C-4  
35

7-19

Incorporation committee, Mike Eisner-25 people are attending meetings to discuss Nipomo's incorporation. The next meeting will be in January. The committee returned \$183 to the NCAC treasury. Mike asked that the money be held in a suspended fund for the future needs of the Incorporation committee.

Motion by Rick Dean and seconded by Bonnie Eisner to accept the money and place it in a suspended fund. Motion passed unanimously.

**SLO County Sheriff, Commander Basti:** The Senior Center parking issues have been resolved. The Department's spike strip was used in Nipomo. The commander noted that the Sheriff would be participating in the Avoid the 13 program during the holiday season.

**CDF, Captain Anderson-**Two new medics have been added to the area. He reminded us that Christmas trees need to be watered regularly to avoid fires.

**SLO County Environmental Department, John McKenzie-**He presented the South County Air Quality Mitigation Program's annual and 5-year report. The report recommended an increase in the impact fees.

**SLO County Public Works, Dale Ramey-**Presented the South County Circulation Study Update/Road improvement Fee Increase.

Motion by Dan Woodson and seconded by Harry Walls to approve new road improvement fees as proposed by the County with the understanding that these fees are interim fees and they will be modified upon acceptance of the South County Traffic Model Update.

Yes 10 No 0 Abstain 1

**SLO County Planning, Brian Pedrotti-**Presented upcoming land use applications. Motion by Rick Dean and seconded by Bonnie Eisner to have a town hall meeting to discuss the 5 year traffic circulation report and Omni Means report.

Motion passed Yes 11 No 1

#### Public Comment

none

#### Consent Agenda

\* → **Doty / SUB2005-00049:** Equal lot line adjustment (Properties are on the bluff near Mesa View Dr and Kip Lane). Doty parcel exceeds allowable number of dwelling units. Lot line adjustment will have a condition for the lot to be brought into conformance. **Land Use recommends approval of this project**

**Goularte/DRC 2005-00075:** MUP for site disturbance greater than one acre, located at 106,108,110,112 Branch St; clearing lots to build four 1897 sq ft homes / **Land Use recommends approval of this project**

Motion by Bonnie Eisner and seconded by Jim Harrison to accept the Consent Agenda.

Motion passed Yes 9 No 0 Abstain 2

C-4  
36

7-20

Reason for lot line adjustment:

In April, 2005, Carol Anne Doty and I agreed to exchange some property on our adjacent lots. After checking with the planning department we were led to believe that; since the exchange is between two consenting property owners who are trading equal amounts of property, with no structures involved, we would be dealing with a "simple lot line adjustment."

As the owner of property C this exchange will afford better access to the North side of my house. It will also allow for a planned expansion and remodeling of our kitchen. This would not be possible without the property exchange because, according to our survey, the north property line of parcel C lies only 8 feet from my house.

The new finding of only an 8 foot distance between home and property line means my lot, Parcel C, is nonconforming to current setback requirements. Exchanging the property would correct this problem and bring parcel C into compliance.

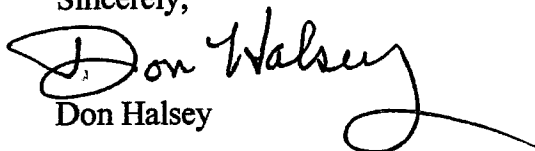
By shortening and widening my lot with this exchange, I have a better shaped parcel with more useable space adjacent to my house. Currently I have little use for the property at the east end of my parcel since it is over a hundred yards from the house.

Ms Doty has been a good neighbor in agreeing to this exchange of property which mostly benefits me and is essentially neutral for her. Her only concern is keeping the approximate current size of her parcel B. The property she would acquire from me is contiguous to hers, and also adjacent to her son's property, which is on my eastern border. This would allow use by both parties and would fit into a plan for possible sub division of the larger parcels sometime in the future.

I appeared before the Nipomo Citizen's Advisory Committee, as required by your process, to explain the specifics of our property exchange. They understood that this is a reasonable thing to do and gave it there unanimous approval.

It seems to me that your involvement should be to help facilitate the process of this exchange.

Sincerely,

  
Don Halsey

RECEIVED

DEC 05 2005

Planning & Bldg

C-4  
37

7-21

Ben & Laura Doty  
2825 Kip Lane  
Arroyo Grande, CA 93420  
(805) 489-7239

December 5, 2005

SLO County Planning Department  
County Government Center  
1055 Monterey Street  
San Luis Obispo, CA 93408

Dear Sirs,

It has come to our attention through the Nipomo Community Advisory Council (NCAC) that there is a proposed lot line adjustment between our neighbors, SUB 2005-00049. We have concerns about the easement on our property and how the Doty property will be brought into compliance.

We attended the October NCAC meeting and asked that the item be tabled until we were able to get more information. We were told by El-Jay Hansson that the item would remain tabled at our request again at the November meeting. However, she missed the meeting and it was approved.

We would like more information on this proposal as it will directly affect our property. We have not been notified by either of the property owners despite the statement relayed by the NCAC that "Don" asked all the neighbors and they're all thrilled.

Thank you,

  
Ben Doty

  
Laura Doty

C-4  
38  
**RECEIVED**

DEC 0 9 2005

Planning & Bldg

7-22

Planning & Bldg

JAN 18 2006

RECEIVED

Ben & Laura Doty  
2825 Kip Lane  
Arroyo Grande, CA 93420  
(805) 489-7239

January 15, 2006

Michael Conger  
SLO County Planning Department  
County Government Center – Room 300  
San Luis Obispo, CA 93408

Dear Michael,

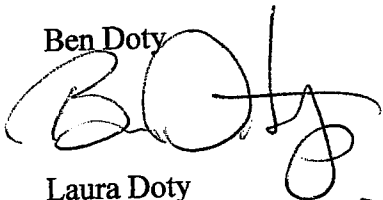
Thank you for meeting with us Tuesday, December 6, 2005 to discuss the lot line adjustment proposed between Carol Anne Doty and Donald Halsey. As we expressed, we are very concerned with the easement on our property and how it will be affected by an additional owner using that easement due to the topography. The county stated in the past that development would redirect property owners to set up and use county easements. As it stands now, our property has easements on all four sides.

We do not feel that the exchange is "better than or equal to". Halsey will receive a larger net acreage, prime bluff-view piece and Doty will receive a landlocked piece with two easements for less net acreage in trade.

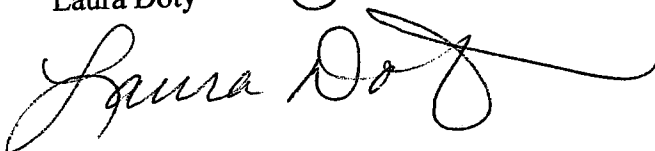
We are not "thrilled" as Don said all of the neighbors are and wonder what the plans are for the Halsey residence when and if this goes through. We strongly object with the proposal at this time.

Sincerely,

Ben Doty



Laura Doty



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**EXCERPT FROM  
SAN LUIS OBISPO PLANNING DEPARTMENT HEARINGS  
DRAFT MINUTES OF THE MEETING OF**

**February 3, 2006**

**HEARING ITEMS:**

7. This being the time set for hearing to consider a request by **CAROL ANNE DOTY AND DONALD HALSEY** for a Lot Line Adjustment (COAL 05-0283) to adjust the lines between two existing parcels of 5.3 acres and 1.5 acres each. The adjustment will result in two parcels of 5.3 acres and 1.5 acres each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Suburban land use category and is located at 2829-2875 Kip Lane and 942 Mesa View Drive (Highway 1), in the village of Palo Mesa. The site is in the South County (Inland) planning area. This project is exempt under CEQA.

**County File No: SUB2005-00049**  
Supervisory District: 4  
Michael Conger, Project Manager

Assessor Parcel Number: 075-281-028, 029  
Date Accepted: December 29, 2005

**MINUTES:**

Hearing Officer: John Euphrat

Others: Don Halsey, applicant; John Belsher, Attorney for Don Halsey.

**Michael Conger, staff**, presents project. Indicates staff has modified the Conditions of Approval on this project request to bring both parcels into conformity prior to the effectuation of the lot line adjustment. States the Department of Planning and Building has written policies that require conditioning for projects that are currently non-conforming. Staff is recommending approval of this Lot Line Adjustment based on Findings and Conditions imposed. Indicates staff received a revised tentative lot line adjustment plan on 2/2/2006, which would result in Parcel C being reduced in size by approx .05 acres. States because Parcel C is already below the minimum required parcel size of 2.5 acres, and the revision would result in a further parcel size reduction, staff would not be able to support the revision. Indicates that if the applicant chooses to pursue approval of this revision, staff would recommend that conditions be included to require that the lot line adjustment result in equal exchange in property with no reduction of the gross acreage on Parcel C.

**Hearing Officer** asks to review the revised lot line adjustment plans presented on 2/2/2006. There is discussion.

**Don Halsey**, applicant, questions parcel size requirements. There is discussion of the proposed acreage change in relation to the previously presented lot line adjustment plan and conformance to County requirements.

The plans are review and discussed by all.

C-4  
40



**John Belsher, attorney**, asks for clarification on the map to be used for approval on this project. Requests permission to temporarily exit the hearing room to speak in private with his client.

**There is a brief break in the meeting.**

**Upon Mr. Belsher's return**, he indicates the applicant would like to proceed with the original map presented to staff. Mr. Belsher discusses the issues involved. Discusses the "equal to or better than" issue in detail. Indicates staff was correct in reviewing plans for conformity. Discusses procedures for conformity. Refers to the proposed map. Discusses possible corrections in conformity at length. Discusses non-conformity of set backs on the existing property site. States the applicant would eliminate the mobile home on the property. Discusses Mrs. Doty's residence and related set back. Requests clarification whether this will better the situation as presented. Asks about the possibility of eliminating one of the existing non-conforming dwellings. Discusses the current site plan in detail. Cites historical activity of the property. Discusses community water conditions. Indicates his belief the requested project improves the current situation on the property.

**Michael Conger, staff, responds.** Clarifies staff is not requesting the applicant dispose of four units on Parcel B and refers all to note Conditions #10 through #14 which address density requirements be brought down to two units, one primary and one secondary dwelling unit allowed on the parcel. Discusses setbacks. Refers page 7-3 of the staff report regarding setbacks and the mechanisms one can use to adjust the setbacks. Indicates adjusting the setbacks using these requirements would meet the land use ordinance, bringing the parcel into compliance.

**Hearing Officer** questions discusses revised plan presented by Mr. Halsey and Mr. Belsher and the possibility of continuing the project to include all corrections at one time. Suggests re-labeling the parcels on map.

**Michael Conger, staff**, states existing legal non-conforming dwellings would be allowed to remain on the parcel if the Lot Line Adjustment was not effectuated.

**Hearing Officer** indicates he is prepared to approve this lot line adjustment based upon staff recommendations, or to continue the project if the applicant wishes to take time to bring the new plans into conformance with staff's recommendations.

**Thereafter, on motion of the Hearing Officer**, the Lot Line Adjustment is approved, based on Findings A through D in Exhibit A and subject to Conditions 1 through 14 in Exhibit B, with the addition of Condition #15 to read: "The parcels shall be re-numbered in numerical sequence." (Document No. 2006-219)

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